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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,116	09/22/2003	Naohide Maeda	Q77541	5420
23373	7590	12/13/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, TRAN N	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,116

Applicant(s)

MAEDA ET AL.

Examiner

Tran N. Nguyen

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,6,8,9,11,12,14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1,4,7,10,13,16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1, 4, 13, 19-22** are provisionally rejected under the judicially created doctrine of **provisional obviousness-type double patenting** as being unpatentable over **claims 2, 4, 6, 8, 10 of copending Application No. 10/663775 (hereafter USPA'775)**. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

Claims 2 and 10 of USPA'775 recite the limitations of a rotor of an electric rotating machine comprising:

a rotor coil for generating a magnetic flux by applying a current; and a pole core comprised of a first pole core body and a second pole core body that are disposed so as to cover the rotor coil, each being provided with claw-shaped claw magnetic poles engaging with each other; wherein a magnet assembly composed of a magnet for reducing leakage of magnetic flux and a magnet-holding member for supporting said magnet on said claw magnetic poles are arranged only on the base part side of said claw magnetic poles, as in claim 2, wherein a magnet

Art Unit: 2834

for receding leakage of the magnetic flux is arranged on the reverse side of the claw magnetic pole, as recited in claim 10 thereof.

This recitation is read as in the limitations of **present application claims 1 and 19-22**, particularly the limitations of a magnet-holding member for supporting said magnet on one of said claw magnetic poles so that said magnet is disposed on an inside diameter face of said one of said claw magnetic poles therein are read as:

a magnet-holding member for supporting said magnet on said claw magnetic and wherein a magnet is arranged on the reverse side of the claw pole, as in claims 2 and 10 of USPA'775.

Particularly, claim 10 of USP'775 recites that the magnet is disposed on an inside diameter face of the claw pole. This so-called *inside diameter face* is understood as *the reverse side of the claw pole*;

wherein the magnet is disposed between *planes defined by side faces of the claw pole*, as recited in the present application's claim 19 (which depends claim claim 1).

or

wherein the magnet is disposed *an inner-most surface of the claw pole*, as recited in the present application's claim 20 (which depends claim claim 1).

or

wherein the magnet is disposed so as *not to oppose a side surface of the claw pole*, as recited in the present application's claim 20 (which depends claim claim 1).

Claims 4 of USPA'775 recites the magnet assembly extends to the base parts of said claw poles is read as the limitations of **the present application's claim 4** recitation of magnet-holding member extends to the base part of said claw magnetic pole and is fitted to said claw magnetic pole. Regarding the limitations of "*(the magnet holding member) fitted to the claw pole*", those skilled in the art would understand that this is implicitly understood as for the magnet-holding member to support the magnet on said claw magnetic poles, the magnet holding member has to be fitted to the claw pole otherwise as the rotor rotates the magnetic holding member would be displaced due to centrifugal force.

Claims 6 and 8 of USPA'775 recites the limitations that are the similar as **claim 13 of the present application** with the limitations of the said magnet-holding member extends to backside of the pole and is fitted to said claw magnetic poles, and said magnet-holding members (i.e., magnetic holding members (plural form) is read as two magnetic holding members, as in the present application claim 13) are joined together on said backside of the pole.

Thus, the claimed invention is rejected under the doctrine of provisional obviousness-type double patenting as being unpatentable over **claims 2, 4, 6, 8, 10 of copending Application No. 10/663775** (hereafter **USPA'775**) because although the conflicting claims are not word by word identical, they claim the same inventions that are not patentably distinct from each other.

3. **Claims 1-22** are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **claim 1 of USP 6806616** (hereafter **USP'616**) in view of **claims 2, 4, 6, 8, 10 of USPA'775**.

Claim 1 of USP'616 recites the same invention as recited in claims 1-20, and 22 of the present application, particularly the USP'616 recites the following:

each of the claw-shaped magnetic poles has a stopper portion at the extreme end of the inclined inside surface, the magnet assembly is fixedly mounted on each of the claw-shaped magnetic poles with the middle portion of the magnet mounting member placed against the inclined inside surface of each of the claw-shaped magnetic poles and engaged with the stopper portion thereof the magnet assembly is fixedly mounted on each of the claw-shaped magnetic poles with the middle portion of the magnet mounting member placed against the inclined inside surface of each of the claw-shaped magnetic poles and engaged with the stopper portion thereof, the outer peripheral surface of the backup ring is shaped to align with alternately oppositely inclined inside surfaces of the magnet mounting members of the magnet assemblies mounted on the claw-shaped magnetic poles at basal parts thereof and the backup ring is fitted inside the magnet assemblies mounted on the claw-shaped magnetic poles such that the backup ring aligns with the inclined inside surfaces of the magnet mounting members, as recited in USP'616 are read as fixing part (i.e. a stopper portion at the extreme end of the inclined inside surface of the

Art Unit: 2834

claw pole) for preventing said magnet from moving in axial direction is provided on the inside diameter side of said claw magnetic pole (**as in claim 7 of the present application**); and,

an end the magnet assembly is fixedly mounted on each of the claw-shaped magnetic poles are joined together (i.e., joined and fixedly mounted by the stopper portion of the claw pole) to prevent the magnet from moving in axial direction (**as in claim 10 of the present application**); and,

a backup ring having an outer peripheral surface for securing the magnet mounting members in position is read as

the ring for press fitting the magnet assembly provided on the inside diameter of the pole, (**as in claim 16 of the present application**);

Claim 1 of USP'616 substantially recites same limitations as recited in claims 1-22 of the present application, except for the limitations of the said magnet is disposed on an inside diameter face of said one of said claw magnetic poles.

Claims 2 and 10 of USPA'775 recite the limitations of the magnet arranged on the reverse side (i.e., the inside diameter face) of the claw magnetic pole, as recited in claim 10 thereof. For other features see the above section of rejection herein. USPA'775 discusses that the magnets (23) are disposed for preventing leakage of magnetic flux from inside diameter sides of the claw magnetic poles (21, 22) (figs 9-10) would result into reduce leakage of magnetic flux and improve output.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to arrange the magnet on the inside diameter face of the claw pole, as in USPA'775. Doing so would also reduce leakage of the magnetic flux while reducing the circumferential size of the rotor since the magnets are not between the claw poles' circumferential sides.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2834

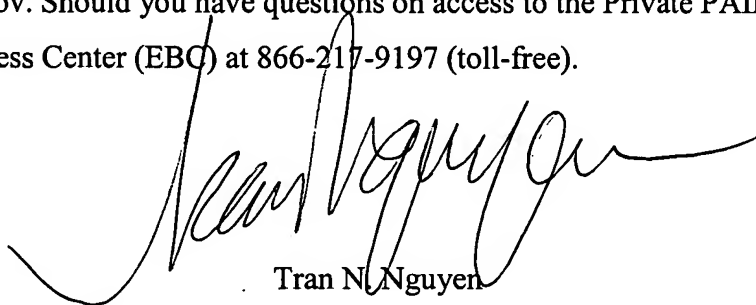
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schubert can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', is written over the printed name.

Tran N. Nguyen
Primary Examiner
Art Unit 2834